City of Lafayette
Public Meeting Agenda
City Council Special Meeting

MINUTES

Lafayette Community Center -- Sequoia Room **March 24, 2008**
500 St. Mary's Road, Lafayette, California **6:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Absent: None

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Gene Tanaka, Attorney, Melanie Donnelly, Attorney; Mala Subramanian, City Attorney

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Anduri) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

4. PUBLIC COMMENTS – None

5. CLOSED SESSION

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Government Code section 54956.9(a).)
David R. Bruzzone, et al. v. City of Lafayette, et al.
Contra Costa County Superior Court Case No. C02 02145
Recommendation: Discuss and direct staff.

B. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Government Code section 54956.9 (a)
Security Owners Corp. vs. Richard F. Holmes; Richard F. Holmes vs. City of Lafayette Case No. C-07-00251
Recommendation: Discuss and direct staff.

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6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 6:58 p.m. to the Regular City Council meeting.

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Regular Meeting

MINUTES

Lafayette Community Center – Manzanita Room **March 24, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Absent: None

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Mala Subramanian, City Attorney; Tony Coe, Engineering Services Manager; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

5. REPORT FROM CLOSED SESSION

City Attorney Subramanian said the Council unanimously gave direction to counsel to intervene in the Security Owners Corporation vs. Richard F. Holmes matter, subject to certain conditions.

6. PUBLIC COMMENTS

STEVE REISER, President Elect of the Contra Costa Association of Realtors, discussed results of the information on the gas shut-off ordinance and building permits. He researched those questions and provided responses in a memorandum before the Council on information on the 1654 permits issued in 2007 that fell within the 5,000-10,000 and 15,000 thresholds. He was not able to get information on permits issued for homes sold before and after 6 months, but he did receive good data on every permit issued in the calendar year 2007. He took every sale in 2007 which closed from MLS data, which shows 51.3% or 153 of the homes had permitted work done.

Vice Mayor Tatzin thanked Mr. Reiser for gathering the information and questioned for those homes that pulled permits in 2007, would he expect the distribution of permit value be any different from what it was in response to the first question, and Mr. Reiser said he could get that answer. He felt one could speculate that because of the economy there had been many renovations and additions, but as the market has dropped the number of permits would be less this year. He believed; however, it would still coincide with the number of sales.

Councilmember Anduri asked of those homes pulling a building permit how many of those 153 homes sold in 2007 were valued more than $15,000. Mr. Reiser said he did not know the answer but as he was putting the numbers together, of that 1653 total, it also includes commercial permits pulled, so the ending percentage would be somewhat higher.

Councilmember Andersson asked whether the 153 homes sold in 2007 is historically low, and Mr. Reiser said he previously indicated the actual number was about 218 homes. The source for this was Data Quick but the number was actually higher at about 260+ homes. He noted people were slow to report sales due to short sales and foreclosures, but this is not historically low for Lafayette. Mr. Reiser said CAR projected sales out over the next 40 years and it is in the 200 range every year in terms of re-sales.

Vice Mayor Tatzin confirmed with Ms. Merideth that the ordinance would return at some point in the future.

S.L. HOLMES said he spoke with Mr. Tanaka, they have an understanding of the procedure which would be for them to file a Complaint and Intervention and then they would dismiss the action against the City. He noted the City would not pay for attorney costs and should they not win the case, attorney fees would be paid by the private parties.

Councilmember Anduri announced that Planning Commissioner Jeanne Ateljevich will receive Citizen of the Year Award on April 11, 2008 at a dinner event. Unfortunately, he will be out of town and wanted to formally congratulate her, stating the award is well-deserved and long overdue. He started on the Planning Commission 11 years ago when Commissioner Ateljevich was starting her 19th year on the Commission.

He said last Wednesday was the 5th Anniversary of the start of the Iraq war and on Saturday was the anniversary of the Citywide Forum the Council held to discuss what the U.S. position should be. That meeting had been called before the calling of the war and he felt it would be useful for the City Council to consider lessons learned from holding such a forum and discuss whether it should hold similar forums on similar issues going forward. At the time, there was some concern about the City not taking a position; however, he believes the City should have held the forum and said it is good for people to be able to express their feelings.

City Manager Falk confirmed with Councilmember Anduri he would agendize the item in the future.

7. PRESENTATIONS

A. Recognizing the 2008 Acalanes High School academic decathlon team and their coaches for placing first in the Contra Costa County Academic Decathlon competition
Recommendation: Receive and file.

Mayor Anderson read a Proclamation into the record recognizing Acalanes High School Academic Decathlon Team members for competing and placing first in the Contra Costa County Academic Decathlon competition. He said coaches Joe Scottman and Ken Antintoli oversaw the team's efforts, read team members' names into the record and the City Council congratulated and presented awards to each member.

Coach Scottman said they have all been working since the summer and throughout the year, said they held the County competition and they ranked 25 out of 54 schools in the entire State, and students Chris Reichmann received 2 gold medals and Austin Bailey received 1 bronze medal in math.

B. Paul Branson, Contra Costa County Transportation Manager and Earle Ormiston, Chair of the County Advisory Council on Aging's Transportation Group presenting the city an Award of Excellence in Senior Transportation
Recommendation: Receive and file.

Paul Branson, Contra Costa County Transportation Manager, said they would be presenting an award of Excellence in Senior Transportation to the City of Lafayette for the Lamorinda Senior Transportation Program and introduced Earle Ormiston, Chair of the County Advisory Council on Aging's Transportation Group.

Earle Ormiston, Chair of the County Advisory Council on Aging's Transportation Group, said the Advisory Council recognizes transportation access to essential services and quality of life destinations is a key component of the independence that older adults need to successfully age in place. Mobility equals independence and the Council on Aging sponsors two annual awards in senior transportation; the Volunteer Award and the Transportation Provider Award. Both awards have been named in the honor of the late Eileen Lupkin whose vision led the Advisory Council's on Aging efforts to improve transportation for seniors in the County. Mr. Ormiston discussed the program and the services of a discount taxi service, a volunteer driver program, and the Lamorinda Spirit 10 passenger van with a wheelchair lift, managed by the Lafayette Senior Services and recognized Mary Bruns, Mei Sun Li, Aletha Anderson, and City Parks and Recreation Staff for their efforts with the program.

He noted that at the end of 2006, the van logged close to 800 rides and in the current fiscal year they provided 1537 rides which are about 192 rides per month. Their staff driver, Eddy Carvalho and volunteer drivers are critical to the success of the Lamorinda Spirit. Mr. Branson discussed criteria for the award and presented the Award of Excellence in Senior Transportation to Mary Bruns, Program Coordinator of the Lamorinda Senior Transportation Program.

Mary Bruns, Program Coordinator, said it has been a pleasure being associated with the program and the van. To her it has not only been a challenge but fun getting the program up and running. She said many have worked to get the program started and said a group of visionaries got together and planned for the possibility of having transportation for seniors. She acknowledged Mei Sun Li for her part of the program,

acknowledged the work of the Advisory Committee, thanked the Council for their funding over the last 3 years, thanked all community funders, advertisers, foundations, drivers and volunteers and the Senior Services staff and Commission.

Mr. Branson and Ormiston recognized George Moore, an incredible volunteer, discussed the criteria for the Award of Excellence in Senior Transportation, said Mr. Moore has been the owner/operator of both taxi companies in town, has provided discounts to seniors riding in his cabs, serves as a member of the Lamorinda Senior Transportation Advisory Committee, discussed his work doing inspections and repairs of the Spirit Van and presented the award to Mr. Moore.

George Moore said it has been his pleasure to serve seniors and be involved with the organization, and he thanked Mr. Branson and Ormiston for the award and Senior Services staff.

Councilmember Anduri said Mr. Moore had provided the first legs of the project, Paul Branson attended every one of the initial meetings and got the program started and without him, the program would not have happened. He also recognized Senior Services staff for keeping the program going.

Convene Joint Session with the Capital Projects Assessment Committee

ACTION: It was M/S/C (Tatzin/Andersson) to convene the Joint Session with the Capital Projects Assessment Committee. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

C. Capital Projects Assessment Committee Achievement and Goals for 2008/2009
Recommendation: Receive and file.

CPAC member Will Tissue said there was not much to report since the bond measure had failed, said things had slowed down and announced that JP Van Overveen, who had recently passed away, would be sorely missed. He said CPAC has worked closely with Tony Coe on reviewing various streets and recommendations for project work. CPAC discussed the issue of using maintenance funds to address failed streets and does not recommend, said City spent $50 million in the last 10 years bringing the streets up to their present condition and if not maintained, they would backslide to where they were before. CPAC wants them kept up to standards and hoped the City would be able to pursue the bond issue again and arrive at some way to have it passed.

Wade Thompson said he believed the School District had a good idea to enable seniors to opt out of the tax measure and said the City was very close to having the bond measure pass.

Mayor Anderson said in terms of the coming year, he asked if the City has a sense of what it will do in moving forward. Mr. Tissue believed Mr. Coe has done a good job, said we are going forward with maintenance projects and they also called out several projects on failed streets and is able to include them in the program. He believes the years to come after that is going to be something that will be up to the Council to see where we get additional monies. We have been spending about $5 million a year for the last 10 years and with the bond money completely gone, it will be tough to bring that up to the

$5 million. But they have come up with a program for this year that will be right around $5 million, they are hoping that some of the monies that come from different pockets can be made up at least for the next one to two years after this and still maintain just close to that $5 million, but this will be up to the Council to come up with additional funds that can be sought out in different ways, and Mayor Anderson confirmed the work was essential in how the City will deal with this big problem.

Vice Mayor Tatzin thanked the work of CPAC, said the senior exemption is not something cities could propose and noted that it actually defers when the tax is due or upon sale of the property. He asked for observations on how the City manages its projects and Mr. Tissue said he believes projects are well-managed, said one person manages about $1 million worth of projects, and commended Mr. Coe and his staff.

Vice Mayor Tatzin questioned the idea of utilizing consultants to do work if the City had more money to address more streets and asked for the Committee's comment on this. Mr. Thompson said he is a retired Public Works Director for the City of Dublin. Dublin contracts out almost all of their work with some in-house staff overseeing the work. The situation provides for a lot of flexibility, as when the workload goes up and down, contractors' schedules can be adjusted.

Vice Mayor Tatzin questioned if there was any difference in the quality of work, and Mr. Thompson said work is done well; staff typically must have a tight rein overseeing the work and they have had good luck with the situation.

Mayor Anderson thanked Mr. Tissue and Thompson for their participation and work on CPAC.

Public Comments:

ANN BURNS, Roads Task Force, said she was unaware of the CPAC report on the agenda, asked that the Roads Task Force be able to work with CPAC, and said staff was to notify them of meetings. She appreciates the job the City is doing with limited funding, said she lives on a badly failed street and had been told the repair of it would again be delayed. She discussed its condition, believed it was a disgrace, a safety concern and asked that something be done. She questioned why the $590,000 had not yet been spent, assumed it would go toward failed roads, but now she has been told it will be used for slurry sealing.

Mr. Tissue asked Ms. Burns to provide her e-mail address to him.

Mayor Anderson said that the assessment of projects does include safety items, and CPAC felt it was appropriate. Mr. Coe has shown the priority list to include Camino Colorados repair. However, the basic problem is lack of money. He agreed the Roads Task Force is working to get those dollars, but CPAC is working within what they have.

Councilmember Anduri questioned whether Camino Colorados was still on the project list to be undertaken in FY 2008-09, and Mr. Coe said the project is still on the tentative list, which is subjective to Council approval as part of the budget process. He said staff was just notified by the Sanitary District that they are planning to rebuild the sewer line in 2010 and staff is working with them to do it concurrently with our projects in order not to change the roads schedule, and he is doing everything to make this happen. He said the

roads list had not yet been finalized by the Council and everything was still in the discussion phase as far as which projects would be done.

Councilmember Anduri questioned and confirmed with Mr. Coe that the $590,000 was not going to be used for slurry sealing. Councilmember Federighi reminded everyone that the Council will hold a Budget Workshop on May 27 from 5-7 p.m. and will discuss funding priorities for roads.

Adjourn Joint Session

ACTION: It was M/S/C (Tatzin/Anduri) to adjourn the Joint Session of the Capital Projects Assessment Committee. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

8. OLD BUSINESS

A. Matt Luttropp, Associate Engineer
Presentation of Conceptual Plans for Mt. Diablo Boulevard Pathway from the Lafayette Reservoir to Village Center
Recommendation: 1) Approve pathway design concept as currently proposed. 2) Incorporate comments by Creeks Committee regarding storm drain discharge design. 3) Forward concept to EBMUD to begin final detail design.

Engineer Services Manager Coe gave the staff report, apologized for not including the conceptual drawings and the memorandum from the Creeks Committee. He said the memorandum was summarized in the staff report and he questioned whether Council would like the item continued.

Mayor Anderson said he is familiar with the issue. Vice Mayor Tatzin confirmed there was no timing issue if the item was returned to the Council at a later date, and Councilmember Andersson said the Chair of the Creeks Committee was present in the audience.

Vice Mayor Tatzin said the item went to Circulation Commission and the Creeks Committee and then to the City Council. The Creeks Committee and Circulation Commission had not met to hash out their concerns and Mr. Coe agreed, stating staff started out by scheduling the item for review by BPAC who subsequently met with the CIP Ad-Hoc Review Committee and the Public Works Subcommittee of the Council, and then it went to the Circulation Commission. In January, the Council requested staff work with the Creeks Committee to hear their concerns and recommendations, and this is what was being brought back for tonight.

SCOTT HONEGGER, Creeks Committee member, said the proposed path is along the key accessible riparian corridor in all of Lafayette, is heavily utilized, is a gateway to the community and creates a buffer coming into town. For the purposes of the design of any pathway along the Creek, the preservation and enhancement of that riparian corridor should be the overriding design criteria. He believed that a 10-foot wide asphalt concrete path, whether it covers over 7 or 5 feet existing path, was not good for the creek. Once the asphalt and concrete is there it is likely never to come out and believed that perhaps a different vision would be good for the pathway along the creek.

From the Committee's perspective, provided that the financial commitment of EBMUD is not altered or enlarged in any way, Mr. Honegger asked to rework the design concept and the prioritization of the allocation of the available funds from EBMUD to provide permeability of the path and make the path narrower. He said the path narrows from 10 feet down to 6 feet and suggested making it 6 feet with landscaping on both sides of it, as it could still be a multi-use path and would be better for the Creek. He said it would best if there was a landscaped buffer between the path and Mt. Diablo Boulevard and have appreciated the responses from engineering and Council subcommittee members and the ability to comment on the item.

Mr. Luttropp's report refers to a $250,000 budget and later in the memo he comments that other types of asphalt surfaces are outside of the agreed scope of work committed to by EBMUD. The Creeks Committee requested a copy of any agreement between the City and EBMUD detailing what their commitment is and Mr. Honegger said they never received it. At their last meeting, Ms. Merideth explained the details of the mitigation agreement to him, which did not have the detail in Mr. Luttropp's memo and he believed everyone would benefit knowing precisely what the agreement is because if there is a commitment already made, for them to discuss some of the alternatives would be mute to a certain extent.

Councilmember Andersson questioned if having a landscape buffer between the road and path would obviate the need for a permeable surface, such that it would drain into the landscaping. Mr. Honegger said it would help. Councilmember Andersson asked if there were other permeable surfaces other than those mentioned in the staff report, and Mr. Honegger said permeable concrete is the one material he prefers and explained how water filters through it and down into the soil.

Councilmember Andersson asked if the permeable surfaces could accommodate bikes and strollers and Mr. Honegger said he provided staff with information about a course being taught by a cement industry association on design standards and uses of concrete and said members of the Creeks Committee were engineers and geotechnical consultants who he could obtain much better information on such materials, which could be passed onto the City Engineer. He further discussed taking water off the street, undergrounding it, discharging it below the grade of the path to a mesh structured area, and important was its natural look and the avoidance of erosion.

Councilmember Anduri questioned and confirmed that the Committee's preference and priority for a landscaped buffer was to achieve more permeability and secondly, for aesthetic appeal. Mr. Honegger said on the creek side of the path there will be greater difficulty in having enough naturally occurring water to support the plants in the corridor.

Vice Mayor Tatzin asked Mr. Coe to ensure members of the BPAC receive a copy of the agenda and staff report as they may want to comment, and Mayor Anderson asked staff to address any of the Creeks Committee remaining comments directly. Councilmember Anduri believed it would be ideal to have the Creeks Committee, the Circulation Commission and BPAC meet together and come up with a joint recommendation.

ACTION: It was M/S/C (Tatzin/Andersson) to continue the item to the April 14, 2008 meeting. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

B. Ann Merideth, Community Development Director
Encroachment permits for temporary community event signage on public property
Recommendation: None

Community Development Director Ann Merideth said the Council discussed encroachment permits for temporary signage on public property at the last Council meeting. There was a sign proposed at Buckeye Fields and it raised the issue of encroachment permits, temporary non-commercial signage. There was a discussion about the new regulations and the old regulations. Staff reviewed both the old and new ordinances and prepared the analysis. Since that time, the request for signs at Buckeye Fields has been withdrawn. Staff had also anticipated receiving a request for signage for the May 3 Library event, but they would like to propose signage at Stanley Middle School, which may be exempt.

She said the Chamber of Commerce contacted her, and they still need to deal with their sign requests which were brought to the Council and a variance granted. But there is no information about the location of signs or the size of signs, and staff will follow-up with them.

Mayor Anderson thanked staff for the analysis. He thinks there is clearly a need for some process that can be executed for these types of signs, believed the Council wants to allow for events to happen and information to go out to the public, and he hoped to find a way to eventually do this. Ms. Merideth said this had been discussed and the only way to do this is by changing the ordinance.

City Manager Falk questioned the item's priority and whether the Council wanted to add it to next year's work plan.

Councilmember Federighi believed the Council needed to deal expeditiously with the signage for special events of the Chamber of Commerce. She believes a proposal could be brought forth from staff regarding this as a first step. Ms. Merideth said if staff knew where the Chamber wants to place the signage, it would just go through the process and while it is not easy, there is a way to process it under the current ordinance.

Mayor Anderson said he believes the process should be made more straight-forward and hoped to add it on the work plan this year or next year.

Councilmember Anduri questioned if the signage relating to community events related to public or private property. Mayor Anderson said it could be on either, but the Council would like to find some way to recognize those as different. It may be impossible because of the law, but he would like to find some method for streamlining community events without requiring variances. Councilmember Anduri voiced concern with unraveling the entire ordinance, and Mayor Anderson believed the issue was one of making the process simpler.

Councilmember Andersson said perhaps staff could easily pinpoint what makes the process difficult, what makes the sign(s) require a variance, and then review what could be done about it. Ms. Merideth reminded the Council of the significant discussion on signage, the amount of time revising the ordinance, and agreed the ordinance was strictly crafted. Councilmember Andersson believed there may be some things that are

difficult not necessarily because of what they were trying to accomplish but simply the way they did it, not anticipating some of its effects.

City Attorney Subramanian said the ordinance was made intentionally difficult to put signs on public property for the reasons Councilmember Anduri mentioned. For private property, there are size restrictions which were very intentionally created and these were the two balancing acts.

Councilmember Anduri questioned what criteria for the variance is used for public property signage, and Ms. Subramanian said there is criteria in the sign ordinance and it matches typical variance standards for land use issues, such as size, shape, topopgraphy, location or surroundings that would deprive the applicant privileges enjoyed at other properties in the vicinity.

Councilmember Federighi said the Council has no basis to grant a variance using that language and Ms. Subramanian said this was done very intentionally and staff could re-work this, but there may be other ramifications based on making changes.

Councilmember Federighi said this poses difficulties that the Council could not solve tonight and believed the Council needed to look at the ramifications. If the City has a content-neutral ordinance it cannot give special preferences to events or organizations for approval of variances.

ACTION: Council accepted the report and directed staff to include the task in the FY 2008-09 Work Plan.

9. STAFF REPORTS

A. Initiate Proceedings to Form Underground Utility District on the entire length of Lafayette Circle

Recommendation: Adopt Resolution 2008-05 initiating proceedings to form Underground Utility Zone No. 8, setting a public hearing for April 28, 2008 and stating the intention of the City to use the option of using Rule 20A funds to pay up to $1500 per parcel toward panel conversions.

Engineering Services Manager Coe said the item is the latest phase of a project that began in the early 1990's on Mt. Diablo Boulevard where a pool of credits is given by PG&E to municipalities to convert overhead electrical facilities to underground. Staff has taken advantage of this with several projects around the downtown core area, and Council has previously indicated that Lafayette Circle would be the next priority for credit uses and when a project is done, it is followed up with a streetlight replacement project.

He said staff has done some public outreach with the Chamber of the Commerce and property and business owners within the area of Lafayette Circle and staff is asking for Council direction as to whether or not staff should proceed with agendizing a public hearing to adopt an Underground District which would formally notify PG&E that we would like to proceed with a project. PG&E will then become the lead, coordinate with utility companies and perform the construction, as well.

Councilmember Anduri said part of the recommendation is that up to $1,500 per parcel be used for converting the panels and he confirmed this would come from the Rule 20A fund and it would draw down credits toward a bigger project. However, Mr. Coe said in

this case by the time the project proceeds to construction staff would be able to borrow ahead another 5 years' worth of credits and he did not foresee using the $1500 per parcel would create a situation of running out of credits.

Councilmember Anduri confirmed with Mr. Coe that the $160,000 for the streetlights comes from the Streetlight Replacement Fund in the Core Area and it currently has a balance of $250,000; that historically in the past three phases of the project the City has offered the $1500 to property owners because it facilitates their participation in the project. Mr. Coe said projects can only be done with the concurrence of PG&E based on their field visits and must meet certain criteria such as beautification, size and scope. Staff has not discussed the possibility of going outside of the downtown area given the fact that it has taken almost 15 years to complete the downtown and he has not investigated the possibility of doing this in a residential neighborhood.

Vice Mayor Tatzin questioned and confirmed with Mr. Coe that the City has contributed to the Streetlight Replacement fund in the current year and there was no legal obligation for the City to use those funds for these purposes. In terms of the Downtown Strategic Plan, he questioned whether the City is at a stage where staff knows this is an important project, including replacement of the streetlights.

Ms. Merideth said staff has not gotten to that level of detail; the project will continue in what has been happening in the downtown in terms of style. Vice Mayor Tatzin said if wires get buried he voiced concern that the City not have to dig them up later and wondered if staff knows enough about the Downtown Plan's timing so that it does not inadvertently build a project that must later be dug up.

Mayor Anderson said the Council has not come far enough and even once the plan is final, it is long-term so it will take many years to see it unfold.

Vice Mayor Tatzin questioned what the urgency was to use the credits. Mr. Coe said there is no urgency other than the fact that the City has built up enough credits in this pool and it could potentially be a use it or lose it situation. Vice Mayor Tatzin noted the Downtown Plan would be adopted in September or October and questioned if it made sense to look at the project then. Mr. Coe said if the Council believes the undergrounding of utilities on Lafayette Circle is even a possibility, staff should work on getting the Underground District adopted so the City can be in the queue with PG&E due to the length of time it takes for work to actually be done. He said PG&E will not design the work until the end of the year. If the City is queued now, construction work will not be done until 2010. The longer the City waits the more people get ahead of us and the more lag time it will take to implement the project.

Vice Mayor Tatzin asked if other study areas in the downtown plan have undergrounding in them and City Manager Falk said there is a section on Mt. Diablo Boulevard by the car wash, as well as the west end of town. Vice Mayor Tatzin questioned if it would be advantageous to put all sections in an underground district so whichever one the City decides to go with could be implemented. Mr. Coe said it might be awkward to have one large district with project areas so far apart. It may be possible to have multiple districts; the only drawback would be that PG&E would need to look at that area of town and have them agree it meets the criteria. They may say the City does not have enough credits for multiple districts, require us to choose the preferred project and not allow adoption of multiple areas.

Councilmember Federighi said she is concerned about the fact that some time ago the Council had selected this area as the next area for undergrounding. It is still closer to the more central part of downtown and she would favor staff's recommendation rather than adding some other parts that are not close at all.

Councilmember Andersson questioned and confirmed with Mr. Coe that the undergrounding can be located under a sidewalk, roadway or anywhere in the public right-of-way and said he was not concerned there would be any dramatic road pattern changes. He agreed with Councilmember Federighi in that this is the first priority and it has been determined that there would not be any fundamental road changes in the area. He referred to Battery Park streetlight installation and questioned if there is a plan for other types of lighting that are less expensive and more utilitarian.

Mr. Coe said Battery Park streetlights have been specified for the Downtown Core through the master plan. If staff puts the project in the queue now, PG&E will not start work until the end of the year. And, if the Downtown Strategic Plan is completed before that time and staff knows there is shift in the design, it can react to that.

ACTION: It was M/S/C (Federighi/Andersson) to adopt Resolution 2008-05 initiating proceedings to form Underground Utility Zone No. 8, setting a public hearing for April 28, 2008 and stating the intention of the City to use the option of using Rule 20A funds to pay up to $1500 per parcel toward panel conversions. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

B. Jennifer Russell, Parks, Trails & Recreation Director
Consider appointing a Task Force to study the feasibility of acquiring and developing the Olympic Blvd. staging area, currently owned by the Flood Control District, for a public dog park (APN 185-190-006)
Recommendation: Appoint Task Force to study the feasibility of acquiring and developing the Olympic Blvd. staging area, currently owned by the Flood Control District, for a public dog park (APN 185-190-006)

City Manager Falk said two years ago, the Park, Trails and Recreation Commission established a goal to locate a dog park in Lafayette. Many options were reviewed and they arrived at the Olympic Boulevard staging area location. The property is controlled by the Contra Costa County Flood Control and Water Conservation District, it has an easement over top of it owned by EBRPD and staff understands that the Flood Control District will be declaring it surplus in the future. At this time, the request by the Commission is to form a Task Force to study the property to be used as a dog park.

Councilmember Federighi confirmed the composition of the Task Force was contained in the staff report; to include two members of the PT&R Commission, two members of LDOG, a City Council member, the City Manager and the PT&R Director.

Vice Mayor Tatzin said there has been study of the options and this is one of the few available sites that meet criteria, and he supported the recommendation.

IVOR SAMSON, urged the Council to form the Task Force given the lead times involved, said they would like to start study of the design and cost, it would give a focus on fundraising. It may be appropriate for the County to delay pending the November

election, but getting the Task Force started would be a good thing. They have looked at many sites and this site was by far the best.

Councilmember Andersson noted the site was sizeable; it has two parking areas and a walkway through the middle of it. He questioned if it is the intention that the dog area would be fenced and questioned how much of it would be fenced. City Manager Falk said the challenge for the Task Force will be to determine the right balance between the addition parking and leaving enough space to keep the dogs happy. Councilmember Andersson asked if there has been discussion of purchasing part of the parcel, and City Manager Falk said there has been internal conversation but he was not sure the Flood Control District was interested in this.

Councilmember Federighi said more would be known at the time the City receives the appraisals, and the Mayor agreed, as well as the Task Force's focus on what is needed as far as cost and support. He said there is a park extension project in the future and EBRPD is looking for partnerships for projects and there may be an opportunity to use part of that money and match it.

Councilmember Andersson volunteered to serve on the Task Force and the Mayor confirmed the Parks, Trails and Recreation Commission would appoint their representative.

ACTION: It was M/S/C (Tatzin/Federighi) to appoint a Task Force to study the feasibility of acquiring and developing the Olympic Blvd. Staging Area (APN 1 85-190-006, currently owned by the Flood Control District) as a public dog park and appoint Councilmember Andersson as the Council representative. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

10. PUBLIC HEARINGS

A. Niroop Srivatsa, Planning and Building Services Manager
GP01-06/RZ01-06CC: KO Architects (applicant), The Woodbury, LLC (owner), P1 Zoning:Request for approval to amend the planned unit development (1) reduce the project unit count from the approved eighty (80) units to a project of not less than sixty (60) units and (2) make minor changes to the building elevations. The site plan, building footprints and envelopes and landscaping plans will remain unchanged. Project Location: 3758 Mt. Diablo Blvd., APNs 241-010-024, 033, 034, 040.
Recommendation: Introduce Ordinance 573 approving the request and continue to April 14, 2008 for second reading and adoption.

Planning and Building Services Manager Niroop Srivatsa referred to the staff report and said the Planning Commission by a vote of 6-1 recommended approval of the changes to the planned unit development.

Mayor Anderson said he was wished there was one elevation of the entire project to see what the changes might mean, but supported approval without having this. Ms. Srivatsa noted there were individual elevations in the packet; however, there was no overall composite of the total site to present to the Council or to the Planning Commission.

The public hearing was opened.

JOHN FRENCH, Woodbury, LLC, said they requested reducing the number of units from 80 to 60 units and the Council/RDA previously reviewed the plans, the modifications do not affect the footprint or massing of the building, but because of the unit numbers decreasing, some of the interior rooms were different and minor modifications were made to windows, which was the extent of the modifications.

Vice Mayor Tatzin asked what the purpose was to propose the changes, and Mr. French said they hired a market research firm which revealed information that made them believe the buyer profile would be an empty nester from the Lamorinda area. While buyers would be moving to a condominium, they would like to enjoy larger dimensions of rooms they are accustomed to. Therefore, they changed the average 1,400 square foot unit to an average 1,900 square foot unit.

Councilmember Anduri questioned whether Mr. French anticipated any issues regarding the two-story design, given the target market was for empty nesters and two-stories sometimes pose a problem for older people. Mr. French said of those two story units, 10 units will not have an individual elevator within the unit, so approximately 50% of the units will have their own elevator. And, the reason they do not all have elevators is because they would need to make roof modifications to accommodate the elevators.

Mayor Anderson said he liked the design, believed elevators were important and said if the market was driving larger unit, he was happy this could be accommodated.

Councilmember Federighi believed it was interesting that the footprint and appearance can be the same in this application, whereas affordable housing units can have greater density within the same footprint because of much smaller units, so this was the reverse.

Councilmember Andersson questioned and confirmed that affordable units would be addressed off-site and created in existing buildings. Councilmember Federighi said she appreciates Mr. French keeping with the number of affordable units originally pledged to do.

There were no public comments.

ACTION: It was M/S (Federighi/Andersson) to introduce Ordinance 573 approving the request and continue to April 14, 2008 for second reading and adoption. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

B. Christine Sinnette, Senior Planner
Ordinance 571 to adopt Ordinance No. 2007-47 of the County of Contra Costa adopting the California Fire Code with amendments.
Recommendation: Continue public hearing without consideration to the meeting of April 14, 2008.

Public Comments:

ERLING HORN said the amendment to the National Fire Code (NFPA-1) requires a staffing level per Fire House of 4 Fire personnel and currently the staffing level is 3. Therefore, the change would incur a 30% increase in staff, or from 9 to 12 full time people which might have some financial implications in the future.

ACTION: It was M/S/C (Tatzin/Anderson to continue the public hearing without consideration to the meeting of April 14, 2008. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

Vice Mayor Tatzin requested, and the Council agreed, to move ahead Item 13A on the agenda.

13. WRITTEN COMMUNICATIONS

A. Letter dated February 29, 2008 from Erling Horn requesting authorization to install seven panels approximately 3 feet wide by 2 feet high on top of the low eastern most wall in the Lafayette Plaza Park at the corner of Moraga Road and Mt. Diablo Boulevard.
Recommendation: Discuss and direct staff.

ERLING HORN said the request is to install some art work at the Margaret and Elan Brown Plaza Park. He introduced Paul Fillinger, President of the Sunrise Rotary Club who started the project a year ago. In addition, the Historical Society considered this request and Mr. Fillinger would provide that report and their considerations.

PAUL FILLINGER, President of the Sunrise Rotary Club, provided background information on the project stating it had originally started 25 years ago by Norm Tuttle who saw a blank space in the new BART station that he thought should be utilized to discuss the history of Lafayette, and this started them thinking last year about the 250th Anniversary of the Marquis de La Fayette, the City's name sake. Their Rotary Club in conjunction with the other Rotary Club, commissioned an artist to represent the history of Lafayette's name sake, which was 7 panels that would hang in the BART station. They did not think this was appropriate, they considered other alternatives and the letter shows some of those.

They have come to the conclusion that the park is a place that leads right into the statue, it is close to historical buildings, it would be an appropriate way to display the artwork over many years and would serve as an educational experience as well as an artistic contribution.

Councilmember Federighi said she was confused about the letter which indicates 7 panels of 3x2 feet on top of the eastern most wall and the depiction of the tiles seems more in line with those specifications. She also questioned whether there was a much larger proposal which was contained in the tile quotation. Mr. Horn said there are 7 panels and 7 bases. There is also a price for 7 duplicate panels, with the idea of having spare panels and the cost is $5,000.

Vice Mayor Tatzin questioned and confirmed Mr. Horn and Mr. Fillinger had not been to the Downtown Street Improvement Committee, but that they plan to, as well as speak before the Design Review Commission.

Councilmember Anduri asked to review the list in the memorandum to the Rotary Club about possible locations and the status of other locations, as he has a real concern about placing something else in the plaza park because when it was designed, there was a lot of effort to simplify it and pair it down to basic elements, and he likes the way it looks the way it is now.

Mr. Horn said one other candidate was the Lafayette School on the wall facing Brook Street. He said the reason the cost was included was to provide information on the cost of a large panel. It became outside of the budget that the Rotary Club could afford. This was also true of BART's proposal, which was rejected. There was another possible location at the Lafayette Park Hotel in one of the halls, but they did not believe this would receive the kind of attention it deserved by the public. The Plaza Park does have various monuments and exhibits of items of the City's heritage and he believed this would add to it.

Councilmember Federighi said in looking at the panels more carefully, she asked if the design was final in the way the pieces are arranged, as she believed some of the panels are confusing in terms of the flow of the narrative, stating normally they would go clockwise. She said Panel 4 starts out with WWI, then the naming of the towns which were prior to WWI, then 1824 which happened first. She said some pictures flow appropriately and some do not and are out of sequence.

MR. FILINGER said one way of solving this problem is having 3 panels about the history of the City and 3 panels about the Marquis de La Fayette. The millstone panel could be withheld which was confusing. He said they have transposed some of the panels and thanked her for her point.

Councilmember Andersson questioned and confirmed with Mr. Horn there would still be room to sit on the walls at the park. Councilmember Andersson questioned if there was a thought to move them over to the statue area, and Mr. Horn said there has been no discussion on this, and Mr. Fillinger said the size is yet to be determined. They are looking for approval of the site and then they would return with explicit dimensions, and sizes.

Mayor Anderson said they have an offer to do something that would be very useful and helpful to the community but he was not sure the Council is the body to decide on whether it should be located at the park, how big it should be, or what the art should be, and he believed DSIMPIC or the Design Review Commission should provide input after reviewing it.

Vice Mayor Tatzin concurred and said there is an Art Committee; however, there is a conflict of interest with some of its members, as well as with DSIMPIC and recommended it go to DSIMPIC and to the Design Review Commission.

Ms. Merideth said she was not with the City when the Park was designed, but suspected Design Review had reviewed and approved it.

City Manager Falk said DSIMPIC and the Design Review Commission both reviewed the plans for the plaza final to it being approved. Also, the Council has adopted an art ordinance that orders the creation of an Art Commission, which has not yet been formed. Staff hopes to advertise for the Commission before the end of the fiscal year.

Ms. Merideth said the art ordinance talks about a Committee, there has been one informally formed, but staff needs to elevate this. She is learning a lot about public art through the library process and she said it is very complicated. The City of Oakland is helping staff through the process; there are many State laws, copyright and trade mark

laws and other laws and she hoped to bring the formation of the Commission to the Council in May.

City Manager Falk said there is also law that dictates how public art can or cannot be removed. One of the stumbling blocks the BART representatives ran into was that they found the wood panel in the vestibule is public art and are prohibited from removing it once it goes in. He said because it is more complex, the Council may wish to refer this to DSIMPIC, to the Design Review Commission and also to the Art Commission which should be formed in the spring.

Mayor Anderson agreed and believed the Art Commission's review would be the right body. Councilmember Federighi agreed, personally thinks the art is appropriate, she likes it close to the center of town, close to the statue, it is in a public place, but public art can be very personal and she remembers going through design of the Plaza and lots of hearings and comments, and she believed this needed more public vetting before making a final decision.

Councilmember Anduri thanked the Rotary Club for raising this and moving it forward, thinks the idea of the artwork based on the life of Marquis de La Fayette is very positive, and in terms of the process for what we do with public art, he agrees that the Art Commission should be the first group to review it. They will look at many things such as the art, its location, its appropriateness for the public, and believed the item should then go to the Design Review Commission, DISIMPIC and the City Council for a final sign-off. He assumed when a decision is made by the Commission on where the art should be located, he would recommend that a great deal of authority be given to the Commission's recommendation. However, given all that has been said, no matter what the art is, he would prefer to keep the bays open in the Plaza, as it is clean and simple now and would be opposed to the art's location there.

Mayor Anderson confirmed with staff that the Council would like to have the proponents of the item await appointment of the Art Commission, which would be done by the summer, and Ms. Merideth said they also have the Library Commission, which could morph into the Art Commission, and staff would be bringing back additional information and options.

11. CONSENT CALENDAR

ACTION: It was M/S/C (Tatzin/Federighi) to approve the Consent Calendar Items A-K.
Vote: 4-0-1 (Ayes: Anderson, Tatzin, Anduri, Federighi; Noes: None; Abstained: Andersson on 11.A).
Vote: 5-0 on B – K (Ayes Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

A. City Council Minutes
March 10, 2008
Recommendation: Approve.

B. 2007 Pavement Management Project, Part B Project Number 014-9663, Final Acceptance
Recommendation: Accept project as complete and authorize staff to file a Notice of Completion for the 2007 Pavement Management Project (Part B), Project Number

014-9663.

C. **Award of Contract PS 06-05; Embankment Stabilization Pleasant Hill Road North of Rancho View Road, Federal Aid Project ER-4433 (010)**
Recommendation: Award Contract PS 06-05 to Valentine Corporation in the amount of $59,369.00.

D. **Funding for 211 Telephone Information Service**
Recommendation: Direct staff to include $4,500 annual expenditure in the draft 2008/2009 budget.

E. **2007 Pavement Management Project-Part A (Project 014-9662), Final Acceptance**
Recommendation: Accept 2007 Pavement Management Project-Part A (Project No. 014-9662) as complete and authorize staff to file Notice of Completion and release contractor retention.

F. **Parks, Trails & Recreation Commission 2007-08 Goals and 2006-07 Accomplishments.**
Recommendation: Receive and file.

G. **Resolution 2008-08 setting the Stormwater Utility Fee for FY 2008-2009**
Recommendation: Adopt Resolution 2008-08.

H. **Resolution 2008-09 ordering the Preparation of a Report Proposing the Levy of Assessments for 2008-2009 for the Core Area Landscaping and Lighting District 1979-1.**
Recommendation: Adopt Resolution 2008-09.

I. **Resolution 2008-10 ordering the Preparation of a Report Proposing the Levy of Assessments for 2008-2009 for the Residential Lighting District 1979-2.**
Recommendation: Adopt Resolution 2008-10.

J. **Resolution 2008-11 amending the Lease Agreement with Lafayette Little League to Reflect a New Use Fee for Buckeye Fields.**
Recommendation: Adopt Resolution 2008-11.

K. **Agreement for Installation and Maintenance of Existing and New Landscaping between Jason & Abby Howard and the City of Lafayette, located at 14 Burnt Oak Circle. APN 237-430-004**
Recommendation: Accept agreement and authorize the City Clerk to record.

12. COUNCIL/COMMISSION REPORTS

A. **Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.**

Councilmember Federighi said she became award of a critical Contra Costa Solid Waste Authority Board meeting which was postponed from the last Thursday of the month to April 24, 2008, which is the same date as the ABAG General Assembly's Finance Committee meeting from 12:00 to 2:30 p.m. She requested an alternate attend the solid

waste meeting on April 24, and Vice Mayor Tatzin said he may be able to attend in her place.

Vice Mayor Tatzin said there was a meeting with representatives from the School Districts and the City regarding State budget cuts, said Larry Kamatola was present who discussed how he assisted working on a committee helping the district in pass their measure. There would be another meeting with the City and Mr. Kamatola two weeks from Wednesday to look at options for the City.

City Manager Falk said interesting was that according to Mr. Kamatola, November could be a good election to place a tax measure on the ballot. Also, Mr. Kamatola does not believe that you necessarily need to keep school and city measures off of each others' ballots and there might be some synergy in some circumstances. He said they also learned that Acalanes is planning to place a bond measure on this November's ballot.

Councilmember Federighi said placing a measure like this seems counter to what the City's consultants have advised versus a special election. However, Vice Mayor Tatzin noted that in a regular November election, a 50% approval rate versus a 2/3 vote is needed, which may be better.

City Manager Falk said he wanted to make sure the rest of the Council knew that Councilmember Andersson and Tatzin participated in the meeting and a follow-up meeting would occur.

B. Brandt Andersson, Councilmember
Continued consideration of draft letter introducing the Lafayette City Council Speakers' Bureau and schedule training for equipment and presentation.
Recommendation: Discuss and direct staff.

Councilmember Andersson believed the letter makes sense and questioned whether staff was working on something other than the Budget Buckets video. City Manager Falk said he has a PowerPoint presentation which describes road conditions, maintenance and repair issues, a PowerPoint presentation on the Downtown Strategic Plan, and Ms. Robinson also has a Budget Summary video. He said staff advertised the idea in the issue of the Vistas encouraging people to call if they wanted their Councilmembers to speak, and no requests have been received. He therefore questioned the amount of time the Council wants staff to spend on preparing presentations.

Councilmember Federighi said she thinks that in looking at the list, most fall into categories, and her preference would be to send an initial letter, identify categories the Council does not normally come into contact with such as churches and schools. She believed a topic that would be of interest would be the State of the City and suggested renaming the Budget Budgets to something like, Constraints and Opportunities.

Councilmember Andersson said the Council typically talks to the homeowners councils, but maybe their Presidents versus the homeowners association might want to bring these videos/presentations to their meetings. Regarding the State of the City, he believed the difficulty is that it is always changing. He believed that something could be presented on roads or other topics going on in the City and this would not need to be changed very often.

Councilmember Federighi said the State of the City was always the topic that groups asked her to talk about when she made presentations. Councilmember Andersson said there are 3 things to present, as well as the Redevelopment Agency and he believed a video may not be needed on the State of the City. He believed the next step is to set up some training sessions on how the laptop and PowerPoint machine works in order not to rely on support staff. City Manager Falk suggested starting a Council meeting early and hold a training session.

Mayor Anderson suggested re-titling the Budget Budgets, sending out the letter and determine response. The City may find there will be 15-20 interested parties and if we have that many, Council can figure out who will go or who will get trained.

Councilmember Federighi said the original proposal was to send out the invitations in batches and she would hate to see them sent to everyone on the list which is far more than what they could possibly take care of. She thinks individual homeowner associations can ask for presentations and suggested picking groups first that the Council does not normally interact with.

Councilmember Andersson suggested taking the groups in some sort of order and determine where the Council should focus our efforts. He believed it is unlikely they will be overwhelmed with requests, but he was not sure of this, so he agreed sending the letter to a batched (smaller) group would be preferred.

Council consensus was to send the letter out in batches of 60 and have Councilmember Andersson determine who they would be sent to, to change the title of the Bucket Budget video, and if there is interest, prepare a State of the City presentation.

C. Carol Federighi, Councilmember
Appointing one member to the Senior Services Commission
Recommendation: Adopt Resolution 2008-07 appointing one member to the Senior Services Commission.

Councilmember Federighi reported interviewing four applicants and while each applicant brought something very unique, she recommended the appointment of Steve Swantner to the Senior Services Commission. They were impressed with his experience as a Peer Senior Counselor and his interest in senior activities.

ACTION: It was M/S/C (Federighi/Tatzin) to appoint Steven Swantner to the Senior Services Commission. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

D. Don Tatzin, Vice Mayor
Appointing one member to the Youth Commission
Recommendation: Adopt Resolution 2008-06 appointing one member to the Youth Commission.

Councilmember Tatzin said they had a good applicant to interview for the Youth Commission and recommended Phill Moldoff be appointed.

ACTION: It was M/S/C (Tatzin/Federighi) to appoint Phill Moldoff to the Youth Commission. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

14. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 9:53 p.m. to the next regular meeting on April 14, 2008. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None).

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk